

Wisconsin Medicaid and BadgerCare

recipient update

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Wisconsin Medicaid and BadgerCare Information for Recipients

To: Medicaid recipients over age 55 or nursing home residents

English – For help to translate or understand this, please call 1-800-362-3002 (TTY).
Spanish – Si necesita ayuda para traducir o entender este texto, por favor llame al teléfono 1-800-362-3002 (TTY).
Russian – Если вам не всё понятно в этом документе, позвоните по телефону 1-800-362-3002 (TTY).
Hmong – Yog xav tau kev pab txhais cov ntaub ntawv no kom koj totaub, hu rau 1-800-362-3002 (TTY).

Important Changes to the Medicaid Estate Recovery Program

Some important changes are taking place in the Wisconsin Medicaid Estate Recovery Program. These changes are the result of the 1999–2001 biennial budget that was passed by the Legislature in 1999.

Through the Estate Recovery Program the state seeks repayment of **certain** home health and long-term care Medicaid benefits provided to recipients. Recovery is made from the estates of recipients and from liens placed on their homes when a recipient and the recipient's dependents no longer need those assets. The money recovered is returned to the Medicaid program and used to provide care for others in need.

It is important to remember that the state may not seek repayment of any Medicaid benefits from a recipient's estate while the recipient is survived by a:

- ✓ Spouse,
- ✓ Minor child,
- ✓ Disabled child, or
- ✓ Blind child.

When recovery is made it will only be from a recipient's estate or, in limited situations, from a lien on the recipient's home. **Liens are not filed against homes of recipients living in the community.**

The Medicaid estate recovery claim is paid after certain other expenses according to standard probate procedures. Costs paid prior to the estate recovery claim are:

- ✓ The costs of administering the estate, including attorney fees;
- ✓ The funeral costs; and
- ✓ The costs of the last illness, if any, that were not paid by Medicaid.

Personal care services

Effective April 1, 2000, the Department of Health and Family Services can recover funds for personal care services provided to Medicaid recipients who are age 55 or older.

This is in addition to the following services that are currently recovered:

- ✓ All Medicaid services received while living in a nursing home on or after October 1, 1991.
- ✓ All Medicaid services received while a recipient is institutionalized in an inpatient hospital on or after July 1, 1995.
- ✓ Home health care services received by recipients age 55 or older on or after July 1, 1995, consisting of:
 - Skilled nursing services.
 - Home health aide services.
 - Home health therapy and speech pathology services.
 - Private duty nursing services.
- ✓ All home and community-based waiver services (COP Waiver, CIP 1A, CIP 1B, CIP II, Brain Injury Waiver, and Community Supported Living Arrangements) received by recipients age 55 or older on or after July 1, 1995, and:
 - Prescription/legend drugs received by waiver participants.
 - Benefits paid associated with a waiver participant's inpatient hospital stay.
- ✓ In pilot counties, Family Care services received by recipients age 55 or older on or after February 1, 2000, and:
 - Prescription/legend drugs received by waiver participants.
 - Benefits paid associated with a waiver participant's inpatient hospital stay.

Liens on homes for residents of hospitals

Some recipients due to the nature of their illness must be institutionalized in an inpatient hospital rather than in a nursing home. Effective April 1, 2000, the Department may place a lien on the home of a recipient who lives in a hospital, who is required to contribute to the cost of care and who cannot reasonably be expected to be discharged from the hospital to return home to live. Previously, lien provisions only applied to recipients living in nursing homes.

Services recovered through liens on homes

Currently the only costs recovered through a lien are Medicaid costs for services received on or after October 1, 1991, during a nursing home stay. Beginning April 1, 2000, the costs of all other recoverable services as listed above that are received on or after that date will also be recovered through a lien.

Again, a lien is not filed against the home of a recipient living in the community.

Personal property exceptions

Effective October 29, 1999, the amount of a deceased recipient's personal property, such as household furniture, furnishings, appliances, apparel, jewelry, etc., that heirs and beneficiaries are allowed to keep was increased in value from \$3,000 to \$5,000. This change allows heirs and beneficiaries to retain more "heirloom" items.

For more information

This letter only provides information about the most recent changes to the Estate Recovery Program. The brochure, "Wisconsin's Medicaid Estate Recovery Program, Most Commonly Asked Questions & Answers," provides more information about the Estate Recovery Program. The brochure can be found on our Internet Web site located at: www.dhfs.state.wi.us/medicaid/recpubs/estate.htm

If you have any questions or would like a new copy of the brochure, you may contact your local county or tribal human or social services department or Recipient Services at 1-800-362-3002.